

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Annual Assessment of the Status of	)	MB Docket No. 05-255
Competition in the Market for the	)	
Delivery of Video Programming	)	

**COMMENTS OF THE TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (TIA) respectfully comments in response to the Notice of Inquiry in the above-captioned proceeding.<sup>1</sup> TIA applauds the Commission for its review of the video marketplace and for seeking information and policy recommendations in order to best utilize its authority to promote and ensure the realization of a highly competitive broadband video market.

TIA is the leading trade association for the information and communications technology (ICT) industry, with 600 member companies that manufacture or supply the products and services used in global communications. TIA represents its members on the full range of public policy issues affecting the ICT industry and forges consensus on industry standards. Among their numerous lines of business, TIA member companies design, produce, and deploy network and terminal equipment and software that facilitates the distribution and reception of video programming, across all communications technology platforms. TIA firmly believes that video services and applications are an enormously critical driver of demand for broadband connectivity

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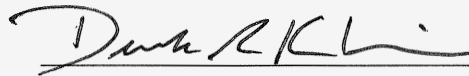
<sup>1</sup> FCC 05-155 (released Aug. 12, 2005).

and a critical component of the business case for investment in next-generation communications networks.

In lieu of detailed comments in this proceeding, TIA submits its *Policy Proposal on Video Programming Distribution*. The proposal has been forwarded to the U.S. Senate Committee on Commerce, Science and Transportation, and the U.S. House Committee on Energy and Commerce. TIA believes these principles can inform the Commission and the record in this proceeding by offering the viewpoint of the dynamic, converging ICT industry.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

A handwritten signature in dark ink, appearing to read "Derek R. Khlopin", written over a horizontal line.

Derek R. Khlopin  
Director, Law and Public Policy

Grant E. Seiffert  
Executive Vice President

2500 Wilson Blvd.  
Suite 300  
Arlington, Virginia 22201  
Ph: (703) 907-7700  
[www.tiaonline.org](http://www.tiaonline.org)

Attachment: *TIA Policy Proposal on Video Programming Distribution*

September 19, 2005



## Policy Proposal on Video Programming Distribution

### Preamble

- Broadband deployment (at current and next-generation speeds) is critical to the nation for social and economic reasons.
- Investment in new, competing networks benefits consumers and the economy.
- Public policy should promote the deployment of, and competition among, diverse broadband platforms and the voice, video and data applications and services they enable.
- Regulatory barriers can discourage and/or impede investment in networks, while deregulation leads to increased investment, competition and innovation.
- The local franchise process is a regulatory barrier to entry that impedes timely investment in new facilities and capabilities, slowing delivery of competitive and innovative services to consumers. This process requires service providers to negotiate and obtain individual and unique authorizations in as many as 30,000 jurisdictions.

### Proposal

- The local franchise process should be replaced with a uniform, federal system that will be managed by the FCC with limited input by existing local franchise authorities.
- New Entrants
  - New entrants may obtain authority to distribute video programming by registering with the FCC. Registrants will immediately be permitted to provide such services nationwide.
  - Local franchise authorities (LFAs) will retain limited authority. An LFA may require a national Registrant to negotiate specific obligations on fees, PEG channels, and consumer protection. Disputes between the Registrant and the franchise authority can be arbitrated by the FCC.
- Existing Providers
  - Existing Providers may obtain national authority to enter new markets immediately.
  - Existing Providers may replace their current franchise agreements with a national authority on a franchise-by-franchise basis upon the sooner of: (1) A finding by the FCC that the franchise area is competitive (2) a showing to the FCC that a New Entrant had entered the market and its product is offered and available, or (3) an established date in the future.

2500 Wilson Boulevard  
Suite 300  
Arlington, VA 22201-3834  
USA

+1.703.907.7700  
FAX +1.703.907.7727

[www.tiaonline.org](http://www.tiaonline.org)